

CRIMINAL COURT OF THE CITY OF NEW YORK
COUNTY OF QUEENS: PART: APAR

-----X
THE PEOPLE OF THE STATE OF NEW YORK

Arrest No.: Q13651701

-against-

ROBERT, SMALLS
DEFENDANT
-----X

PLEASE TAKE NOTICE that pursuant to C.P.L. 250.20, the People demand that the defendant serve, within eight days of the service hereof, upon the undersigned, a notice of alibi reciting the place(s) the defendant claims to have been at the time of the commission of the crime(s) charged, and the names, home addresses, business name and addresses of every alibi witness upon whom he intends to rely. Such written notice must be served upon the undersigned if the defendant intends to offer such testimony.

PLEASE TAKE NOTICE that pursuant to C.P.L. 240.20, the People are serving copies of the following police reports:

DEFENDANT'S STATEMENT

PLEASE TAKE NOTICE that pursuant to C.P.L. 710.30 (1a), during the trial of the above-named matter, the People intend to offer evidence of a statement made by defendant to a public servant named DET SCHETTINI on 08/25/2013, at 1019, at 108 SQUAD which indicates in sum and substance HE WAS SLEEPING WHEN HIS SON CAME IN. HE DID NOT KNOW IT WAS HIS SON, HE THOUGHT IT WAS AN INTRUDER WHEN HE SHOT. (VIDEOTAPE).

PLEASE TAKE NOTICE that pursuant to C.P.L. 710.30 (1a), during the trial of the above-named matter, the People intend to offer evidence of a statement made by defendant to a public servant named DET SCHETTINI on 08/25/2013, at 1037, at 108 SQUAD which indicates in sum and substance HE WAS ASLEEP WHEN HE TOLD HIS SON NOT TO COME HOME AFTER HIS SON THREATENED HIM. HE HEARD STEPS IN HIS HOME WHEN HE SHOUTED WHO IS IT. THERE WERE NO LIGHTS ON AT THE TIME OF INCIDENT AND NO ONE ANSWERED BUT SOMEONE WAS STILL APPROACHING. HE SAID POLICE STOP, WHO IS THAT. THE PERSON DID NOT RESPON AND BEGAN TO APPROACH AGGRESSIVELY WITH ONE HAND IN POCKET AS IF TO PULL OUT A WEAPON. HE THEN PULLED HIS FIREARM BECAUSE OF FEELING IN IMMEDIATE DANGER. BY THE TIME I REALIZED IT WAS MY SON THE FIREARM HAD ALREADY DISCHARGED. (WRITTEN, see attached).

DATED: Kew Gardens, New York
8/25/2013

Respectfully Submitted,

RICHARD A. BROWN
DISTRICT ATTORNEY
QUEENS COUNTY

BY: _____

ADA